

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ANN FATIMA FLEMING, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

FATIMA ESTHER FLEMING and TERRENCE
MICHAEL WEST,

Respondents-Appellants.

UNPUBLISHED

December 29, 1998

Nos. 206571; 207218

Wayne Juvenile Court

LC No. 94-321893

Before: Markman, P.J., and Bandstra and J.F. Kowalski*, JJ.

MEMORANDUM.

Respondents appeal as of right a juvenile court order terminating their parental rights to the minor child under MCL 712A.19b(3)(g), (i), and (j); MSA 27.3178(598.19b)(3)(g), (i), and (j). This case is being decided without oral argument pursuant to MCR 7.214(E). We affirm.

We note that only respondent mother sought judicial review of the referee's findings and recommendation pursuant to MCR 5.991. In any event, neither respondent has shown that the referee clearly erred in finding that at least one statutory ground for termination, specifically § 19b(3)(i) (parental rights to one or more siblings have been terminated), was established by clear and convincing evidence. MCR 5.974(D)(3) and (I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

The record shows that respondent mother had no prenatal care for the minor child, Ann, and that Ann was born prematurely in a toilet at home and later tested positive for cocaine after she was born. Ann developed various medical problems because of her premature birth (e.g., bleeding in her head, breathing difficulties, and the loss of a couple of toes). Ann's treating physician testified that it was possible that the ingestion of cocaine may have induced the premature birth. Moreover, respondents had their parental rights terminated to four other children just months before Ann came to

* Circuit judge, sitting on the Court of Appeals by assignment.

the attention of the court because of chronic neglect, substance abuse problems, domestic violence, and a lack of rehabilitation.¹

With respect to the best interests issue, although respondent father did present some evidence on the minor child's best interests, we find no clear error in the referee's recommendation that parental rights for both parents be terminated. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). Thus, we affirm the juvenile court's order terminating the respondents' parental rights based on the referee's findings and recommendations.

Further, pursuant to petitioner's request, we also give immediate effect to the probate court's order terminating respondents' parental rights. MCR 7.215(E)(2).

We affirm.

/s/ Stephen J. Markman

/s/ Richard A. Bandstra

/s/ John F. Kowalski

¹ The termination of respondents' parental rights with respect to the four older children was recently affirmed by this Court. *In the Matter of Fleming*, unpublished opinion per curiam of the Court of Appeals, issued March 3, 1998 (Docket Nos. 203154, 203252).